THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :6152 of 2006

DATED:20-02-2007

BETWEEN:

M.Umadevi.

..... PETITIONER

AND

The Station House Officer-cum- Circle Inspector,
Gopalpuram police station,
Secunderabad & 2 others.

.....RESPONDENTS

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ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents 1 and 2 in intervening into the civil matters, as illegal and arbitrary, and consequently to direct the respondents 1 and 2 not to interfere in the civil litigation of the parties.

3. It is stated that the petitioner is one of the occupants of the ground floor portion of premises bearing No.9-3-621 to 623, consisting of ground, first and second floor, on an area of 106.55 sq.yards situated at Rezimental bazar, Secunderabad. It is stated that there were two water connections in the said premises and all the other occupants of the first and second floors were not regular in payment of water bills for the two connections and in order to avoid the disconnection, petitioner used to pay the dues on their behalf also, and as she was over-burdened she demanded the other occupants to share the bill amount equally. While so, the other occupants started digging the area adjacent to the house of the petitioner for getting water connection and for constructing a sump on the road so as to enable them to collect water and in that connection the petitioner gave an oral complaint to the 1st respondent, but the respondents 1 and 2 instead of taking action against them, have mis-behaved against the petitioner using un-parliamentary language and therefore the petitioner

lodged a complaint with the 3rd respondent on 09-03-2006 but the 3rd respondent also has not taken any action. Hence, the writ petition.

4. The 3rd respondent-Deputy Commissioner of Police filed a counter stating that he has gone through the representation of the petitioner, dated 09-03-2006, and found that all the allegations made therein are false and concocted. The averment made by the petitioner that the other occupants having obtained sanction from the concerned authorities resorted to lay pipeline to their portions as well as drainage pipe connection to the manhole outside without routing through the petitioner's ground floor portion was denied. It is stated that even according to the petitioner the drainage was blocked by her and as it pertains to the public sanitation and health the 1st respondent had to intervene and get the same cleared in the public interest. It is further stated that the respondents never interfered with the civil disputes and they have called the occupants on the representation of the petitioner and all the other occupants agreed to pay the drainage charges to the petitioner. It is further stated that, in fact, on the complaint filed by one Ashadevi against the petitioner, and one Srinivasareddy, a case in Cr.No.281 of 2005 was registered on 30-09-2005 for the offence punishable under Sections 418, 420, 448 and 506 IPC and investigation is pending.

5. Insofar as the specific allegations against the respondents 1 and 2 are concerned, as they have denied with regard to their interference in the civil litigation between the parties, if the petitioner feels that the respondents have committed any offence punishable under the relevant Sections of the Indian Penal Code it is always open for her to file a private complaint before the Criminal

Court.

6. Accordingly, the Writ Petition is dismissed. No order as to costs.

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V.ESWARAIAH,J

20th February, 2007.
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